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continued from third page.

cusation is the articles is the speech of 1858. So, too, a leigeram to Governor Parsons in January, 1867, is supposed to be evidence as bearing upon the guilt completed in the year 1888. So, too, an interview between Mr. Wood, an office seeker, and the President in 1866 is supposed to bear in evidence on the question of intent in the consummation of a crime alleged to have been committed in 1888. And I apprehend that in the question of time this interview between General Sherman and the President of the United States on the fery matter of a public transaction of the President's changing the head of the War Department, which was actually completed in February, 1868, is near enough to that intent and to show the purposes of the transaction. There remains, then, but one consideration as to whether this evidence is open to the impatation; that it is a mere proof of declaration on the part of the President concerning his intentions and object in regard to the subsequent act of the removal of Mr. Stanton. It certainly is not limited to that force or effect. Whenever evidence of that character is offered that question while arise, to be disposed of on the very point as to what the President's object was. We propose to show his consultation with the Lieutenant General of the armies of the United States to induce him to take the place. On the other question as to whether his efforts were to create violence, civil war or bloodished, or even a breach of the peace in the removal of the Storetary of Wrr, we propose to show that in that sa, ine consultation it was the desire of the President is reference to the matters which are made the subject of inculpation, and if the efforts and means which he used in the selection of agents are not to zebut the intentions of presumption south to be raised, well was my learned associate justified in saying that this is a vital question—vital in the interest of justice at least, if not vital to any important consideration of the nation is brought under insafip

minutes.

After Rocess Mr. Wr. Son, of the Managers, took the foor. He said:—I will claim the attention of the Senate for a few moments. My present purpose is to get before the minds of Senators the truth in the Hardy case as it fell from the lips of the Lord Chief Justice who passed upon the question which had been stope on the Lord Chief Justice who passed upon the question which had been stope on the Lord Chief Justice to the effect that the declarations applying even to the particular case charged, though the intent should make part of the charge, are evidence against the accused, but are not evidence for him, because the principle upon which declarations are evidence is that no man would declare anything against himself unless it were true; but every man would, were he in difficulty, make declarations for himself. He also read the subsequent proceedings affected by that decision, and continued:—Now, what is the question which has been propounded by the President to General Sherman? It is this:—In that interview what conversation took place between the President and you m regard to the removal of Mr. Stanton. Now, I contend that calls for just such declarations on the part of the President as fall within-the limitation of the first branch of the rule laid down by the Lord Chief Justice in the Hardy case, and, therefore, must be excluded. If this conversation is to be admitted, where are we to stop? Who may not be put on the stand and asked for conversations had between him and the President, as my associate suggests at any time since the President entered upon possession of the President and may be introduced, may it not be followed by an attempt here to introduce conversations between the President and his Cabinet, and General Grant, by way of inducing the special may are the president of the United States? That interview occurred about the same time, and I suppose the mext offer will be the conversations occurring between the President of the Army, I not fer that the weight, the preponderance of testimony Aller recess Mr. Wilson, of the Managers, took

it was a conversation which transpired about that time.

Mr. BUTLER—Only the day before.

Mr. WILSON—Yes, only the day before. We certainly must insist upon this well known rule being applied to this particular objection, for the purpose of ending forever, so far as this case is concerned, the introduction of the declarations of the President, made, it may be, for the purpose of meeting an impeachment. It is offered to be proved, as the counsel informs us, that the President told General Sherman that he desired him to take possession of the War Department in order that Mr. Stanton might be driven to the courts of law for the purpose of testing his title to that office, and inasmuch as the counsel have referred to the closing argument of my associate Managers, and seemed to delight in reading therefrom, let me read a brief paragraph or two from that opening applying to take pretended purpose of the President of driving the Secretary of War to the courts to test his tide. On that occasion the Manager said the President knew, or ought to have known, his official adviser, who now appears as his counsel, could and did tell him, doubtless, that he alone, as Attorney General, could file an information in the nature of a quovarants, to determine the question of the validity of the law. Mr. Stanton, if ejected from the dent knew, or ought to have known, his official adviser, who now appears as his counsel, could and did tell him, doubtless, that he alone, as Attorney General, could file an information in the nature of a quo tourvants, to determine the question of the validity of the law. Mr. Stanton, if ejected from the office, was without remedy, because a series of decisions has settled the law to be that an ejected officer cannot reinstate himself either by quo varranto, mandamus or other appropriate remedy in the courts. Then the purpose was not the harmless one of getting the Lieutenant General of the army in the position of Secretary of War, to the additional end of having a judicial decision of this question, but the purpose was to get possession, as we have charged, of that department for his own purposes, and putting the Secretary of War in a position where he could not secure a judgment of the courts upon his title to that office. Now, I beg counsel to remember, not that we charge that the President expected that he could make a tool of General Sherman, but that he might oust Mr. Stanton from that office by getting General Sherman to accept it, thereby putting Mr. Stanton in a position where he could not have returned to the office, expecting and believing that the Lieutenant General of the army would not long desire to occupy the position and would retire, and that then the Adjutant General of the army, or some other person equally pliant, could be put into the place vacated by the Lieutenant General. Now, the President did not succeed in this, and, as it has been said, he appointed on down until he came to Adjutant General Thomas. Then he found the person who was willing to undertake this work, who was willing to ase force, as he declared, to get possession of that office; and flaw with that proof, in the proof of the President's own declarations and acts before the Senate, it is offered to make his innocence apparent by giving in evidence his own declarations, and he will always have one to meet kis case. I do no

The yeas and mays were question by the following the Senate excluded the question by the following vote:

Trans-Senators Anthony, Bayard, Buckalew, Coie, Davis, Dixon, Buckale, Cheng, Grenes, Hendricks, John McCleeg, Morgan, Section, Patterson of Tenn., Ross, John McCleeg, Morgan, Section, Patterson of Tenn., Ross, Birrague, Samuer, Trunkell, Van Winkle, Vickers, Wiley-22.

Naya-Senators Change, Brake, Edmunds, Perry, Prefing-buyen, Harlan, Henderson, Boward, Morrill of Me., Morroll of Vi., Morton, Nye, Patterson of N. H., Fomercy, Ramsey, Sherman, Stewart, Thayer, Tipton, Williams, Wilson, Value, 25.

Sherman, Stewart, Thayer, Tpton, Williams, Wilson, Yates—28.

By Mr. STANDERY—General Sherman—In 2ny conversation with the President while you were here, what was said about the Department of the Atlantic Mr. BUTLER—Step a moment. I submit that that By Mr. STANDERY—General Sherman—in 2ny con-versation with the President while you were here, what was said about the Department of the Atlantic? Mr. BUTLER—Stop n moment. I submit that that falls within the rule just made. You cannot put in the declarations about the fact. The CHIEF JUSTICE—The counsel will reduce it to

The CHIEF JUSTICE—The counsel will reduce it to writing.

Mr. STANBERY—I will vary it.

Q. What do you know about the creation of the Pepartment of the Atlantic?

Str. BUTLER—We have no objection for what General sherman knows about the Department of the Atlantic provant he speaks from know, edge and not from the decarations of the President. All orders, papers, his eyas knowledge if he has a "Ny, do not atlant to a haration. We do not object to it, although we do not och will assure the witness, as in the other case, to separate knowledge from hearray. I have no dout the ceneral knowledge from hearray. I have no dout the ceneral knowledge from the creation of the President's declarations, not his acts.

The CHIEF JUSTICE—Does the counsel for the President ask for the President's declaration?

Mr. STANBERY—I may misunderstand the honorable Managers, but I understand them to claim that the President created the Department of the Atlantic as a part of his intent, by military force, to cast Congress. Do I understand the Managers to acap? don that claim?

Mr. BUTLER—I am not on the stand, Mr. Pres' der'c, when I am I will answer to the best of my abligty. The presiding officer asks the counsel a question which he does not seem to want to an 'swer. The question put to him was, "Do you ask for the President's declarations?"

The Chief Justice—The counsel for the President are asked whether they ask for the statements made by the President.

Mr. STANBERY—We expect to prove in what manner the Department of the Athnite was created, who prescribed its boundaries, what was the purpose for which it was created.

The Chief Justice—Was it subsequent to the time of removal or before it?

Mr. STANBERY—I do not know whether it was subsequent; it was prior, I believe.

The Secretary read the question by direction of the Chief Justice.

Mr. BUTLER—That department can only be created by an order.

The Chief Justice—Do you object.

Mr. BUTLER—That department can only be created by an order.

The Chief Justice put the question on the admission of the question, and h was excluded.

Question by Mr. STANBERY—I will ask you this question—Did the President make any application to you? Did he make an offer to you?

Mr. BUTLER—Is that question in writing?

Mr. STANBERY—Yes, sir—(handing the paper to the Manager)—It is to prove an act, not a declaration application can be made either in writing? or in conversation, and then there would be the written or oral declaration of the President, and the initiation—I am instructed, Mr. President, to object to this, because directly an application of the President, and it is immaterial to this case.

Mr. Evars—Mr. Chief Justice, the ground of the understanding—upon which the evidence in the form

declaration of the President, and it is immaterial to this case.

Mr. Evarrs—Mr. Chief Justice, the ground of the understanding upon which the evidence in the form and to the extent in which our question—which was overruled—sought to introduce it was overruled because it put in evidence declarations of the President several statements of what he was to do, or what he had done. We offer this present evidence as executive action of the President at the time and in the direct power of a proposed investment with office of

direct power of a proposed investment with office of General Sherman.

Mr. BUTLER—To that we simply say that that is not the way to prove executive action to anything done by the Executive. We do not object, but applications made in a closet cannot be put in, whether

done by the Executive. We do not object, but applications made in a closet cannot be put in, whether upon declaration or otherwise.

Mr. STANBERY—Of course, Mr. Chief Justice and Senators, if we were about to prove the actual appointment of General Sherman to be Secretary of War ad interim we must produce the paper, the order, the executive order. That is not what we are about to show now. The offer was not accepted. What we offer is not a declaration, but an act which was proposed by the President to General Sherman, unconnected, if you please, with any declaration of any intention. Let the act speak for itself.

Mr. BUTLER—Very well, put in the letter.

Mr. STANBERY—Is it a question under the statute of frauds that you must have it in writing, that a thing that must be made in writing is not good in parole? What we are about now is what we have not discussed as yet; it is an act, a thing proposed, an office tendered to a party. "General Sherman, will you take the position of Secretary of War ad interim?" Is not that an act? Is that a declaration merely of intent? Is it not the offer of the office? We claim it is. It is not a declaration at all. It is not declaration at all. It is not declaration is, but it is doing an act. "Will you take the office? I offer it." Let that act speak for itself.

Mr. BUTLER—Mr. President, I do not claim any right to close the discussion, but just call the attention of the Senate to this:—Suppose he did offer it, what does that prove? If you mean to deal fairly with the Senate, and not get in a conversation under the guise of putting in an act, what does ith prove if he was trying to get General Sherman to take that office? It was a matempt to get Stanton out. If it was a mere act I would not object. The difficulty is, while it is not within the statute of frauds, it is an attempt under the guise of an act to get in a conversation.

By direction of the Chief Justice the clerk read the question, which had been reduced to writing, as followed.

versation.

By direction of the Chief Justice the clerk read the question, which had been reduced to writing, as follows:—

By direction of the Chief Justice the clerk read the question, which had been reduced to writing, as follows:—

"Did the President make any application to you respecting your acceptance of the duties of Secretary of War ad interim?"

The CHIEF JUSTICE submitted the point to the Senate, and the question was admitted.

Mr. STANBERY (to witness)—Answer the question, if you please. A. The President tendered me the office of Secretary of War ad interim on two occasions; the first was on the afternoon of January the 25th and the second on Thursday, the 39th of January.

Q. Whereabouts? A. In his own usual office, between the fibrary and the clerk's room, in the Executive mansion.

Q. Mr. Stanton was then in office? A. Mr. Stanton was then in office, as now.

Q. Any one else present then? A. I think not. Mr. Moore may have been called in to show some paper, but I think he was not present when the President made me the tender. Both of them were in writing. I answered the first one on the 27th of January.

Q. Did you receive any communication in writing from the President on that subject? A. I did not, sir.

Q. What was the date of your first letter? A. The 27th of January.

[Another question was answered here inaubly to the reporter.]

Q. Now, referring to the time when the offer was first made to you by the President, did anything further take place between you in reference to that matter, the tender by him or the acceptance by you concomitant to that act?

Mr. BUTLER—That we object to. This is now getting in the conversations again. Senators, I call your attention to the manner in which this case is conducted. I warned you that if you let in the act that the declaration would come after it. Now they say they have got the act, and they want to see if by this means they cannot get around the declarations.

Mr. EVARTS—What is the proposition of the Manager?

Mr. BUTLER—My proposition is that the evidence is incompetent and based upon evasion in getting in

ager?

Mr. BUTLER.—My proposition is that the evidence in getting in

Mr. BUTLER.—My proposition is that the evidence is incompetent and based upon evasion in getting in the act which looked to be immaterial. It was quite liberal in Senators to vote to let in the act, but that liberality is taken advantage of to endeavor to get by the ruling of the Senate has ruled.

Mr. EVARTS—The tender by the Chief Executive of the United States to a General in the position of General Snerman of the War Office is an executive act, and as such has been admitted in evidence by the Senate, Like every other act which is admitted in evidence as an act, it is competent to attend it by whatever was expressed from one to the other in the course of that act and the determination of it, and on that proposition the learned Manager shakes his finger of warning at the Senators of the United States against the malpractices of the counsel for the President. Now, Senators, if there be anything clearer, anything plainer in the law of evidence, without which truth is shut out and the form and features of the fact permitted to be proved excluded, it is this rule, that a spoken act is a part containing the qualifying fact and part of the act itself.

Mr. BUTLER.—To that I answer, Senators, that of

is said out and the order and the action in the period in the country in the depth of the act itself.

Mr. Butler—To that I answer, Senators, that of an immaterial act—an act wholly immaterial—the only qualifications that could be put in would be the answer, perhaps, of General Sherman. That is not offered. But then the offer is to put in an incompetent conversation as explaining an immaterial act. What is the proposition put forward? It is Executive offers of office to any man in the country, and they would put in the fact that he made the offer of the office, and, as illustrative of that fact, put in everything he said about it. That is the proposition. I did think there was a little malpractice about that proposition, but it was a most remarkable one. He does not act himself, and now he says, "I have got the act in; you must put the declaration in." What is the proposition? It is not worthy of words. A criminal puts in his act, presses it in. Now close. He says, "I have got the act in; now I want also what I said about it." Why, it is an argument itself.

By direction of the Chief Justice the Clerk read the question, which had been reduced to writing, as follows:—

"At the first interview at which the tender of the duties of Secretary of War ad interim was made to you by the President, aid anything further pass between you, and the President in reference to the tender or your acceptance of it."

The Chief Justice submitted the question to the Senators Drake and Howard, and the question was excluded by the following vote:—

YEAS—Senators Authony, Bayard, Buckalew, Cole, Davis, Johnson, McCreery, Morgan, Norton, Patterson of Tenns, Ross, Sprague, Sumner, Trumbull, Van Winkle, Vickers, Wiley—22.

NAYE—Senators Cameron, Cattell, Chandler, Conkling, Conness, Corbett, Gragin, Drake, Edmunds, Ferry, Freiing-

Wittey 22.

NAYs—Senators Cameron, Cattell, Chandler, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Freiinghuysen, Harian, Henderson, Howard, Howe, Morrill of Me, Morrill of Vt., Morton, Nye, Patterson of N. H., Pomeroy, Ramsey, Sherman, Stewart, Thayer, Tipton, Williams, Wilson, Yatee—29.

Ramey, Sherman, Stewart, Thayer, Tipton, Williams, Wilson, Yates—29.

Question by Mr. Stanbery—In the second interview did he again make an offer to you to be Secretary of War ad interim? A. Very distinctly.

Q. At that interview was anything said in explanation of that offer?

Mr. Butler—We ask the presiding officer whether that does not fall exactly within the rule.

The Chief Justice was understood to reply in the affirmative.

Question by Mr. Stanbery—In the conversations did the President state to you that his object was to make a question before the courts.

Messrs. Bingham and Butler objected simultaneously.

Mesers question before the courts.

Mesers. Bingham and Butles objected simultaneously.

Mr. Stanbery—We have a right to offer it.

Mr. Butler—We have a right to object. Mr. President, courts sometimes say that after they have ruled upon a question it is not within the proprieties of a trial to offer the same thing over and over again. It is sometimes done in courts for the purpose of making bills of exceptions or writs of error on the ruling. If the counsel say that that is the present object we shall not object, because they ought to preserve their rights in all form. But supposing this to be the court of last resort, if a court at all, there can be no occasion, at least no proper occasion, to throw themselves against the rules.

Mr. Stanbery—Mr. Chief Justice, I do not understand that the ruling was upon the specific question. It was the general question of what was said that were ruled out. I want to make the specific question now to indicate what the point was.

Mr. Butler—I would call attention to the distinct admission of the course!

the ruling. He pected it to be ruled out, but now he goes on to ake the offer.

Mr. Pear has was the previous question.

Mr. Bears and that though there was to be no perfect on the court, which was to pass on questions of final judgment, the cridence supposed to he admissible, in order that it might be made a matter of argument. He claimed that counsel had a right to do that, and that the difference between the specific question now asked and the general question which was overruled was that white a general conversation could not be admitted, the witness might be permitted to testify upon the specific point.

The Chief Justice directed that the question be reduced to writing. The question having been reduced to writing was handed to Mr. Butler.

Mr. Butler suit — lobject to the question as both outrageously leading in form and as incompetent under the rule.

The question was:—'In either of those conversations did the President say to you that his object in appointing you was that he might then get the question of Mr. Stanton's right to the office before the Supreme Courty'

Senator How in demanded the yeas and nays, and they were ordered.

hey were ordered. Senator Doolittle asked Mr. Butler again to state Senator Doollithe asked Mr. Butler again to state his objection.

Mr. Butler said he objected to the question as outrageously leading, and as being against the ruling of the Senate.

The vote was taken and resulted, yeas 7, nays 44, as follows:—

of the Senate.

The vote was taken and resulted, yeas 7, nays 44, as follows:—

YEAS—Messrs. Anthony, Bayard, Fowler, McCreery, Patterson of Tenn., Ross and Vickers—7.

NAYS—Messrs. Buckalew, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Davis, Dixon, Doolittle, Drake, Edmund., Ferry, Fessenden, Frelinghuysen, Grimes, Harlan, Henderson, Hendricks, Howard, Howe, Johnson, Morgan, Morrill of Me., Morrill of Vt., Morton, Norton, Nye, Fatterson of N. H., Pomeroy, Ramsey, Sherman Sprague, Stewart, Thayer, Tipion, Trumbull, Van Winkle, Willey, Williams, Wilson, Yaits—44.

During the call Senator Johnson asked for the reading of the question.

The question being partly read, Senator Johnson said, "That will do; I vote no."

Senator DAVIS, having already voted, said, as the question was leading, he would vote "No."

Mr. Stanberk—Mr. Chief Justice, this question was undoubtedly overraied on matter of form, and I now propose to change the form.

The question in a new form having been handed to Mr. Batler,

Mr. BUTLER said:—The question as presented to me, Mr. President and Senators, is, "Was anything said at that conversation by the President as to any purpose of getting the question of Mr. Stanton's right to the office before the courts?" Now, Mr. President and Senators, this is the last question, without the leading part of it. I understand it to be a very well settled rule that when counsed deliberately produce a question leading in form and has it passed upon he cannot afterwards withdraw the leading part and put the same question without it. Sometimes this rule has been relaxed in favor of a very young counsel (laughter) who did not know what the question meant. I have seen very young men so ofending, but the court let them up. Now, I call the attention of the presiding officer and of the Senate to the fact that I three times over objected to the question as being outrageously leading, and I said it so that there might be no mistake about it. Yet the course for the President went on and insist

of course that was not meant here, but I think that the Senate should not allow itself to be placed within his way. If you choose to sit here and have the yeas and nays called, I can stay here as long as anybody.

Mr. Stanbery—Mr. Chief Justice and Senators, this is too grave and serious, and responsible an issue, and too important in its results to allow us to descend to such a form of controversy. The gentieman again says I am an old lawyer, long at the bar. I hope I am not in the habit of making factious opposition refore any court, high or low, and especially not before this body. But the learned Manager intimated here that I have deliberately put a leading question, resorting to low practices of Old Bailey Court, for the purpose of getting time. Making factious opposition! I scorn any such intimation. He says it is a leading question, but was it intended to be leading? Was it intended to draw General Sherman to say something which he would otherwise not have said? The learned Manager says, "Oh, no; it was not intended, so far as General Sherman was concerned, but that, so far as counsel was concerned, the purpose was to put it in that form, so that counsel might have another opportunity of putting it in a legal form." He charges that it was deliberately manufactured in a leading form, knowing that it would be rejected for the purpose of getting ten or fifteen minutes' time. A leading question, sir! Will the honorable Manager read over the record of this case and see hundreds of leading questions put by him until we got tired of objecting to them? I may of course be permitted to disclaim any such intention. This is a matter of great importance. The interests of our client are in our hands, and we are to defend him in the best way we can. The question was modified, at Mr. Evarrs' suggestion, so as to read as follows:—"Was anything said at either of these interviews by the President as to any purpose of getting the question of Mr. Stanton's right to the office before the courts?"

The Cliter Justrice put it t

retary of War ad interim, express the object or i

pose of so doing!"

Mr. Bingham—I object to that question as being within the ruling. It is both leading and incompetent.
The CHIEF JUSTICE said he would submit the ques

The CHIEF JUSTICE said he would submit the question to the Senate.
Senator DOLITTLE arose and said:—Mr. Chief Justice, I arise for the purpose of moving that the Senate should go into consultation on this question—(cries of "no! no!")—but there might not be time to-night to go into consultation, and I therefore move that the court adjourn.

The motion was rejected without a division.
The vote was then taken on admitting Senator Henderson's question, and it was rejected—yeas 25, nays 27, as follows:—
Yeas—Senators Anthony, Bayard, Buckalew, Davis, Dixon.

27, as follows:—
YEAS—Senators Anthony, Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowier, Grimes, Henderson, Hendricks, Johnson, McCreery, Morrill of Me, Morton, Norton, Patterson of Tenn, Koss, Sherman, Sprague, Sunner, Trumbull, Van Winkle, Vickers, Willey—25.

NAYS—Senators Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbeit, Cragin, Drake, Edmunds, Ferry, Frailinghuysen, Harian, Howard, Howe, Morgan, Morrill of Vt., Nye, Fatterson of N. H., Fomeroy, Ramsey, Stewart, Thayer, Tipton, Williams, Wilson and Yake—27.

Senator TRUMBULL, at half-past three, moved that the Court adjourn.

Senator Taumbull, at half-past three, moved that the Court adjourn.

The question was taken by yeas and nays, and resulted—yeas 25, nays 27—as follows:—

YEAS—Senators Bayard, Buckalew, Cameron, Cattell, Corbett, Davis, Dixon, Doolittle, Fessenden, Fowler, Frelinghuysen, Grimes, Henderson, Hendricks, Howe, Johnson, McGreery, Morton, Norton, Patterson of Tenn., Ramsey, Sprague, Trumbull, Van Winkle, Vickers—25.

NAYS—Senators Anthony, Chandler, Cole, Conkling, Conness, Gragin, Drake, Edmunds, Ferry, Harlan, Howard, Morrain, Morrill of Me, Morrill of Vt., Nye, Patterson of N. H., Pomeroy, Ross, Sherman, Stewart, Summer, Thayer, Tipton, Wiley, Williams, Wisson and Yates—27.

So the court refused to adjourn.

Mr. Stanbery sent to Mr. Butler another form of question.

Mr. STANBERY sent to Mr. Butler another form of question.

After reading it, Mr. BUTLER said, we object to this both as a leading question and for substance. It has been voted on three times aiready.

The question was read, as follows:—"At either of those interviews was anything said in reference to the use of threats, intimidation or force to get possession of the War Office, or the contrary?

The CHIEF JUSTICE submitted to the Senate the admissibility of the question, and without a division it was ruled to be inadmissible.

The CHIEF JUSTICE asked the counsel for the President whether they had any other question to put to the witness.

Mr. STANBERY replied that counsel were considering that point.

the witness.

Mr. Stanbery replied that counsel were considering that point.

Senator anthony moved that the court adjourn.

Senator Conkling inquired whether the Managers meant to cross-examine the witness.

Mr. Butler replied that they did not.

The vote was taken by yeas and mays on the question of adjournment, and it resulted—yeas 20, mays 32—as follows:

Yeas—Senators Anthony, Bayard, Buckalew, Davis, Dixon, Deolittle, Edmunds, Fowler, Grimes, Henderson, Hendricks, Howe, Johnson, McCreery, Morton, Norton, Patierson of Tennessee, Trumbull, Yan Winkle, Vickers—20,

Nays—Senators Cameron, Cattell, Chandler, Cole, Conking, Conness, Correct, Cragin, Drake, Ferry, Fessenden, Freinghnysen, Harian, Howard, Moran, Morrill of Me, Morrill of VI, Nye, Patierson of N. H., Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Willey, Williams, Wilson and Yates—32.

So the court refused to adjourn.

Mr. Stanbery then srose and said:—Mr. Chief Justice and Senators, I desire to state that under these rulings we are not prepared to say that we have any further questions to put to General Sherman; but it is a matter of so much importance that we desire to be allowed to recall General Sherman on Monday if we deem it proper to do so.

Mr. Butler rose and commenced to object, saying "We are very desirous that the examination of this witness should be concluded," but before he could conclude the sentence

Mr. Bingham rose and said: "We have no objection."

The Court then, at a quarter to five o'clock ad-

The Court then, at a quarter to five o'clock adjourned, and the Senate immediately after adjourned.

journed, and the Schale limited after adjourned. The experiments which have been made in St. Louis, Mo., during the past few months, reducing from Mountain ore to pig metal, with what is known as Big Muddy coal, has reached a most successful result. On Friday night, at the furnace at Carondelet, the final trial was made, in the presence of a number of experts, capitalists and tron men, all of whom were highly pleased, and they say that the iron produced is the Arst quality. Big Muddy coal contains less sulphur than any other known, and the metal can be made with it for less than \$26 per ton.

MISCELLANEOUS WASHINGTON NEWS.

WASHINGTON, April 11, 1868. The Weekly Currency Statement.

The fractional currency received from the printers at the Treasury Department for the week ending to-

day amounted to \$409,000. The amount shipped There was also forwarded in notes:-

as security for national banks at this date the follow

For circulation. \$341,643,400
For deposits of public moneys. 38,177,950
The national bank notes issued during the week amount to \$75,670; total to date, \$307,215,601. From this is to be deducted the mutilated notes returned. \$6,929,715, and the notes of insolvent banks redeemed and burned by United States Treasurer, \$522,204, leaving in actual circulation to date \$299,763,919. The fractional currency redeemed and destroyed

during the week amounts to \$337,000. Custom House Officers' Pay Stopped-Appro-

priations Exhausted.

The appropriation for defraying the expenses of collecting the revenue from the customs is exhausted and the Secretary will be unable to pay the salaries of the Collectors and their employés until the appro-

priation is replemshed by Congress.

The fund for continuing the Treasury extension is also about exhausted and no further payments can be made on account of that bureau until further appropriations are made.

HOUSE OF REPRESENTATIVES.

Washington, D. C., April 11, 1868.
AMENDED RULES ON BANKRUPTCY. The House met at noon. The Speaker presented a

letter from the Justices of the Supreme Court, transmitting the amendments of the rules on bankruptcy, vision of the United States Laws.

TEST OF QUESTIONABLE ACTS OF CONGRESS. Mr. WOODWARD, (dem.) of Pa., introduced a bill to test the constitutionality of questionable acts of Congress, which was referred to the Judiciary Commitgress, which was referred to the Judiciary Committee. The first section provides that whenever any act of Congress shall be vetoed by the President on the ground of the unconstitutionality of any of its provisions, and shall afterwards be enacted into a law over the veto, it shall be lawful for the President to order the Attorney General to draw up and file on on record in the Supreme Court of the United States a feigned issue, with such pleadings as shall be necessary and proper to raise the constitutional questions suggested in the veto message, and to test the constitutionality of such parts of the enactment as more specially objected to by him on constitutional grounds, which issue and pleadings shall be so drawn as to put in issue no other question whatever.

drawn as to put in issue no other question whatever.

The second section provides for the service on the
Speaker of the House of Representatives of a certified
copy of the feigned issue and pleadings, whose duty
it shall be to appear of record, by himself or counsel, to defend the constitutionality of such enactment, and the court shall make all necessary
orders for advocating the issue to argument, at the
earliest practical period of its session in banc, and
the court shall file its written opinion upon every
constitutional question therein raised, and every enactment of such act that shall be adjudged unconstitutional shall thenceforth be held and taken to be
null and vold; but until such judgment shall be pronounced the act shall be deemed constitutional and
valid.

null and void; but until such judgment shall be pronounced the act shall be deemed constitutional and valid.

The third section makes it legal for the Attorney General, in preparing the issue, to use the names of real parties having an interest, or of fictitions parties, at his discretion, all costs on both sides to be paid out of the Treasury.

Mr. Coburn, (rep.) of Ind., introduced a bill to provide for the payment of back pensions in cases where the persons entitled have been infants, or insane, and without guardians, during the time that they were without guardians, which was referred to the Committee on Pensions.

DEPARTURE FOR THE SENATE.

The House then resolved itself into a Committee of proceeded to the Senate Chamber to attend the Imthe Whole, Mr. Washburne (of Ill.) as chairman, and peachment trial. No business to be done on its return.

TESTIMONIAL TO JOE CORURY.

A Packed House-Set-To Between the Benefi-

"Holy sailor, what a crowd!" "Did you ever see anything to beat it?" These and similar ejaculations were heard on every hand last evening at the New York Stadt theatre, it being the occasion of the testimonial tendered to Joe Coburn, whom all men know has fought some good pugilists and whipped "'em," and is now matched to fight Mike McCoole on the 26th proximo. And well might the throng have said so, for among the many large exhibitions of this character that have been held in this city during the excitement attending the importation of the modern gladiators that have visited the United States has a frequenter of them been subject to such a squeezing process, and the only wonder is that a like trying ordeal but every available space of room was occupied from

bit to dome, and hundreds, appalled at the jam and seeing but little possibility of finding a comfortable standing point, retraced their steps.

The sporting world was largely represented, and the Charles Augustus of the upper circle of society was sandwiched between the young mischief-maker that occasionally blackens his boots and the energetic gentleman that serves his dinner at the fashionable restaurant. An orchestra of ten pieces added to the pleasantness of the occasion and served to beguite the time that necessarily is occupied in preparing for the introduction of the artists at such an exhibition. Yet of all the pandemonium-like noises that ever jarred one's tympanum, those last night at the Stadt theatre exceeded them. Amid cries of "Hoist that rag," "Time," and a whistling chorus of "Champagne Charley," at fifteen minutes to nine o'clock the curtain was raised, and Uncle Bul Tovee announced Fred Williams in a song other Refugee." The recommendation of the state of the commendation of the recommendation of the

hammer left" that O'Baldwin now and then sent after him. During this set-to numerous cries were made for Heenan, who was present, but he positively refused to spar. The feeling of the throng was that some one similar in physique to Coburn should set-to with him. After three rounds, during which nothing extraordinary was done, they retired and the audience hastily dispersed.

Coburn looks extremely well, and because of this there were many of his friends last evening more sanguine than ever that in the coming contest he will prove the better man.

NEW JERSEY.

Jersey City. POLITICAL.—A democratic ratification meeting was seld at the Catholic Institute last evening, another at Cooper Hall on Friday evening, where Jack Roger came to the rescue. The republican candidates for

Aldermen have completely outflanked their op-ponents by adopting the platform of the ponents by adopting the platform of the "Protective Association" recently organized for the purpose of resisting the encroachments of the Camden and Amboy monopoly. In the present state of public opinion, when the recollection of the Harsimus Cove bill humiliates the people, a candidate of any party stands a poor chance for office who does not speak out with the people on this question. A ratification meeting was held by the democrats at Odd Fellows' Hall, Hoboken, last evening. The excitement here is intense, as the democrats are divided on the candidates for Recorder. Justice John Whise is the regular nominee, and Justice Pope, the republican nominee, has been taken up by the disaffected democrats, who failed to carry their candidate at the Convention.

Newark. STABBING AFFRAY IN MARKET STREET .- Shortly before nine o'clock last evening William Rupp, a young man residing in Orleans street, was stabbed by a colored youth named Charles Long, near the corner of Market and Plane streets. the corner of Market and Plane streets. It seems the darky was walking along the street with his wife, when one of a party of young men jostled the latter, whereupon her Charles jerked out his pocket knife and plunged it into the check of the person standing nearest him, who happened to be Rupp. The wound, though serious, is not dangerous. Long was immediately collared by Blazler, a bill poster, whose efforts of a similar character are so repeatedly successful that little doubt rests that he has mistaken his calling.

Elizabeth.

HIGHWAY ROBBERY AND ATTEMPTED MURDER. On Friday evening about half-past nine o'clock, while a canal boat captain named Allan Factoe, a Frenchman, was returning to his vessel, the Union of Fulton, N. Y., lying at pier No. 6 Elizabethport N. J., he was waylaid by a party of three rumans, when near the dock, and beaten in N. J., he was waylaid by a party of three rufflans, when near the dock, and beaten in a most brutal manner about the head and face in order to obtain a few dollars, not exceeding ten. It seems that Factoe, being a man of powerful build, had well nigh succeeded in throwing off his assailants, when one of them struck him a terrific blow with his boot under the chin, completely smashing his jaw and crushing out his teeth. They then, according to his ante mortem statement made before Justice Eagan, yesterday afternoon, after rifling his pockets, picked him up and threw him bodily on board a barge lying astern of his own. The unfortunate man was discovered by his friends between four and five o'clock yesterday morning lying on the keelson of the boat bleeding copiously from his injury. He was speedily removed to the "Union" and medical attendance procured, which, up to a late hour last evening, had succeeded in prolonging the poor fellew's life. Chief of Police John Keron, was immediately notified of the matter and proceeded at once to the Port to make, in conjunction with the justice already roused, the necessary investigation; but owing to the exhausted state of Factoe, and the great difficulty of articulating, through the shocking condition of his mouth, nothing could be gleaned from him that would warrant any arrests being made yet, although several parties are under suspicion. As it was generally known about the dock that he had visited New York during the day, it is probable the miscreants heard of it, and anticipated making a heavy haul of cash.

FIRE ON BOAND A BOAR—About half-past nine

FIRE ON BOARD A BOAT .- About half-past nine o'clock on Friday night a boat laden with timber for the Camden and Amboy Company caught fire, and but for the prompt attendance of the city firemen would have been consumed. At five o'clock yesterday morning the fire, which must not have been thoroughly extinguished at first, rekindled; but the efforts of the boatmen were effectual in subduing the fiames. The crew were employed yesterday in removing the uninjured cargo. The boat sustained some slight damage.

Trenton.

EUROPEAN MARKETS.

London Money Market.—London, April 11—3 P. M.—American securities closed at the following quotations:—Erie shares, 46½; Illinois Centrals, 93½; United States five-twenty bonds, 72½ a 723½; Atlantic and Great Western, 32½. The holidays will continue up to Tuesday.

Frankfort Bourse.—Frankfort, April 11.—Evening.—United States five-twenties closed at 75½d. a 75½d. for the old issue.

Liverpool Produce Market.—Liverpool., April 11—3 P. M.—Sugar is buoyant, but quotations are still the same, viz. 20s. per cwt. for No. 12 Dutch standard. The day is everywhere regarded as a holiday and there is little business doing.

Petroleum Market.—Antwerf., April 11—11:15 A. M.—Petroleum is dull at 42½ francs per bbl. for standard white.

EUROPEAN MARINE NEWS.

QUEENSTOWN, April 11.—The Royal mail steamship Java, Captain Macaulay, of the Cunard line, which left New York on the 1st inst., arrived at this port yesterday afternoon on the way to Liverpool.

GLASGOW, April 11.—The steamship United Kingdom, Captain Smith, and the Columbia, Captain Carnaghan, of the Anchor line, which left New York on the 28th ult., arrived in the Clyde yesterday afternoon, on the way to this city.

SOUTHAMITON, April 11.—The steamship All mannia, Meler, of the Hamburg-American line, which left New York on the 31st ult., arrived at this port about noon to-day, on the way to Hamburg.

MISCELLANEOUS.

CHANT OF PRAISE. By Tenny's Son. I was weary, I was sad, I was feeling very bad, 'Once upon a time' (as the stories say); By clothes they badly wore, By hands were very sore, Aiways after dreaded washing day. Always after dreaded washing day.

I've found out to my cost
How much money I have lost
Trying so-called labor-saving Soaps,
Powders, fluids, crystais, too.

With them all I've had to do;
But ah I they sadly blighted all my hopes.
But now a "Prize" I've found,
In which virtue does abound,
A "Prize" I long and vainly sought;
To wash is now a pleasure,
It is the homsewife's treasure,
And at every good grocer's can be bought.

"Tis Prize Soap that I mean,
A Soap that I seteem—
The best for every household purpose known;
It makes washing day a joy;
Hands and clothes it won't destroy,
And for true economy it stands alone.

DAVID'S PRIZE SOAP IS SOLD BY GROCERS.

TRY IT. YOU'LL LIKE IT. HOUSEHOLD WORD.

Now is the time to purchase Refrigerators, China, Glass Vare, Cutlery and Kitchen Utensiis, and the place to get hem best and cheapest is at E. D. BASSFORD'S corner tores, Cooper Institute, New York.

A.—CIRCULARS AND INFORMATION FURNISHED IN
all legalized lotteries. B. J. CLUTE, Broker,
176 Broadway; after May 1, 200 Broadway. NDREWS' PATENT. FRICTION GROOVED HOIST-

A ers, run without noise; smoke burning and superheating great speed, use less steam and need fewer repairant ordinary engines, contribugal Pumps, for mining, ordinary engines; centrifugal Pumps, for mining, and an experimental pumps of the pumps of th

A BSOLUTE DIVORCES LEGALLY OBTAINED IN NEW York and States where descrition, drunkenness, &c., are sufficient cause; no publicity; no charge unit divorce ob-lained; advice free. M. HOWES, attorney, &c., 78 Nassau st. A BSOLUTE DIVORCES LEGALLY OBTAINED IN New York, also from States where non-support, drunk-nness or describin is sufficient cause. No publicity; no fees n advance; advice free. F. I. KING, Counsellor-at-law, 261 Broadway.

OFFICIAL DRAWINGS OF THE KENTUCKY A — OFFICIAL DRAWINGS OF THE RESTONAL

Sate Lottery:

RENTUCKY STATE EXTRA—CLASS 273, APRIL 11, 1868,
7, 28, 61, 5, 19, 52, 46, 75, 2, 75, 11, 14, 71.

KINTOCKY STATE—CLAUS 274, APRIL 11, 1868,
14, 45, 52, 27, 35, 65, 74, 25, 1, 66, 15, 38, 6.

Odicial drawings of the Paducah State Lottery of Kentucky:

EXTRA—CLASS 235, APRIL 11, 1868,
26, 35, 15, 63, 67, 16, 11, 69, 69, 42, 5, 56, 50.

CLASS 295, APRIL 11, 1868,
54, 51, 77, 72, 23, 76, 44, 41, 75, 45, 7, 38, 43.

WOOD, COLTON & CO., Managers.

For circulars, &c., in the above Lotteries address

For circulars, &c., in the above Lotteries address

MURRAY, EDDY & CO.,

Covington, Ky.

Covington, Ky.

A.—OFFICIAL DRAWINGS OF THE SHELBY COLBIELD O'LLEGE EXTRA-CLASS 173, APRIL II, 1888.
37, 44, 65, 27, 24, 65,
88, 68, 69, 67, 78, 98, 50, 16, 48, 72, 24, 65,
88, 68, 60, 67, 78, 78, 50, 18, 48, 48, 41, 41, 48,
88, 68, 60, 67, 78, 78, 50, 50, 48, 48, 49, 48, 48,
88, 81, 87, 68, 78, 58, 58, 58, 69, 58, 59, 57, 68, 69, 58, 48, 48, 48, 48,
88, 89, 57, 68, 78, 58, 58, 59, 18, 48, 11, 1888.
58, 38, 39, 57, 68, 58, 59, 59, 31, 48, 62, 68, 29,
88, 51, 16, 64, 68, 66, 52, 29, 11, 56, 29, 17, 32,
MOINTIRE, MORRIED & CO, Managers.
For circulars and information in the above Lotteries address
FRANCE, SMITH & CO.,

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FRANCE, SMITH & CO.,

COVINGION, Ky.

GO TO C. O. ANDERSON & CO.'S, 103 BOWERY, FOR

MISCELLANEOUS.

CAUSE AND EFFECTS.

If Hoff's Mait Extract Health Beverage proves its great value as a dietetic, nourishing and healthy remedy by its enormous consumption throughout the world during the past

If the scientific bodies of all civilized countries have united in its praise, and bestowed upon its originator many medals and diplomas;

Then we feel certain that the consumptive uses it with confidence, that the weak and invalid take it as the best tonic and as a constant drink, and that people affected with loss of appetite, dyspepsia, foul stomach, debility—farther, with conghs, colds and hoarseness—try it and find the same benefit by using It as thousands have proclaimed. It is, indeed, a health giv ing and health sustaining drink and remedy. Sold by all druggists and grocers, and by the agents,

HOFF'S MALT EXTRACT Depot, No. 542 Breadway.

BRANDRETH'S PILLS saist the digestive process to build up the body when from any cause the vital powers have become so weakened that

Thousands, of cures have been effected by the use BRANDRETH'S PILLS when other means had failed. As purgatives and cleansers of the blood and entire and

are unrivalled.

HABTINGS, ON THE HUDSON, April 2, 1868.

The Hon. B. Brandreri ...
MY DEAR DOUTOR—I take much pleasure in subscribing to the virtues of your wonderful universal remedy. Five boxes of

the virtues of your wonderful universal remedy. Five boxes of BRANDRETH'S PILLS cured me of sour stomach and dyspepsia, after having troubled me for years. I tried various medicines and was treated by the best physicians, but obtained no relief; my stomach was sour all the time, no matter what I ate or drank. After years of suffering, of blighted living, I turned to Brandreth's Pills; I took two every night for two months and they perfectly cured me. From the first done they gave me relief. It is now a year since, and I have had no return of sour stomach or dyspepsia, and to Brandreth's Pills and Providence I give all the praise.

Please publish, as I am well known in Westchester county. Yours truly,

Justice of the Peace and Coroner.

PRINCIPAL OFFICE, BRANDRETH HOUSE, NEW YORK.

Sold by druggists. Observe B. Brandreth in white let in the government stamp, without which buy not. B. BRANDRETH.

CIRCULARS AND INFORMATION FURNISHED IN legalized lotteries.
NATHAN, Broker, 140 Greenwich street. CORNS, BUNIONS, ENLARGED JOINTS AND ALL

CREAT BARGAINS ARE OFFERED DAILY IN TEASS
Coffees, Sugars, Mackerel, Molasses, Flour and all kind,
of Groceries and Provisions at 280 and 282 Greenwich street.
THOMAS R. AGREW.

Notice. importation, consisting in part of Plain Satins, Silk Terrys, Worsted Reps, Brocatel, Cutline and

in solid walnut and Steel Decorations, together with a large Damasks, suitable for slip coverings for furniture; Window Shades, in plain Holland, made to order in all colors, with without the self-acting spring fixture; Tassels and Cords Table and Piano Covers, Embroidered Lace Curtains, re

Nottingham Lace Curtains, at prices from \$2 a window and upwards. Table Linen and Napkins, Pillow Casings, Sheetings, . Towellings of every description

J. E. WALRAVEN, 686 Broadway, New York, and 719 Chestnut street, Philadelph THE WINTER GARDEN PALACE, 667 BROADWAY, THE WINTER GARDEN PALAUS,
will be open for the inspection of the public on
MONDAY, APKIL 13,
and for the sale of goods on and after
TUESDAY, the lith,
under the auspices and direction of
THE NEW YORK MERCHANTS' CO-OPERATIVE:
UNION,

and for the UNION, and for the SPLENDOR AND ELEGANCE OF ITS DECORATIONS.

THE BEAUTY AND MAINIFICENCE OF ITS ARBANGEMENTS,
THE ENDLESS VARIETY OF ITS STOCK,
It will be unapproachable either in New York or any of the great commercial centres of Europe.

The New York Merchants' Co-operative Union has been or againzed by a number of the most extensive and reputable business houses in the country, for the double purpose of making a ready market for goods of which they may have a surplusage and furnishing a grand depot or bazzaar where merchandles of all descriptions may be displayed and find ready sale and bring quick returns to holders.

And where first class goods will be offered at fabulously low prices, and at less than the original importing cost. In

mand
READY SALES AND QUICK RETURNS,
it has been considered ad faable to fix
A STANDARD PRICE TO EVERY ARTICLE,
which will in no case be more than
ONE DOLLAR, or less than that amount.

There will be
PIFTY SPECIAL DEPARTMENTS,
where the various lines of Goods will be displayed and sold.
A novel feature of the Winter Garden Palace will be its

corps of YOUNG LADY CLERES, selected for their reinement and politeness, Each young lady will have special charge of A SEPARATE DEPARTMENT, and by this plan the SEPARATE NUMBER OF SALES

and of this plant the

IMMENSE NUMBER OF SALES

will be facilitated, and the

ENORMOUS ASSORTMENT

will be brought within practical and accommodating limits.

THE STANDARD PRICE OF ONE DOLLAR

for every article will be in all cases strictly adhered to, no
matter what the original cost of the article may have been,
but in no case will any article be offered which could be purchased at wholesale prices for the
STANDARD PRICE FIXED BY THE ASSOCIA
TION.

LIST OF ARTICLES TO BE SOLD FOR ONE DOLLAR

EACH.

SILVER WARE.

SILVER WARE.

Silver Plated Revolving Castors.
Silver Plated Revolving Castors.
Silver Plated Revolving Castors.
Silver Plated Gold Lined Coblets.
Silver Plated Gold Lined Coblets.
Silver Plated Call Bells.
Silver Plated Call Bells.
Silver Plated Call Bells.
Silver Plated Table Forks.
6 Silver Plated Table Forks.
6 Silver Plated Table Spoons.
6 Silver Plated Table Spoons.
6 Silver Plated Fork Shones.
Silver Plated Fork Knives.
Silver Plated Fish Knives.
Silver Plated Child's Sets.

Pair Bracelets.
Ladies' Neck Chains.
Ladies' Guard Chains.
Ladies' Chatelaine Chains. in ricel Sensor, Jeweiry,
Amethyst Sets of Jeweiry,
Amethyst Sets of Jeweiry,
Caral Sets of Jeweiry,
Enamelied Sets of Jeweiry,
Entricean Sets of Jeweiry,
Jet Sets of Jeweiry,
Jet Sets of Jeweiry,
Large sesortment of Ladies' and Gents' Sleeve Buttons
Large sesortment of Ladies' and Gents' Breastplus. Large assortment of Ladies' and Genta';
Large assortment of Ladies' and Genta';
Ruby Cluster Rings.
Garnet Cluster Rings.
Emerald Cluster Rings.
Emerald Cluster Rings.
Large assortment of Searf Pins.
Gold Fens and Holders.
MISCELLANEOUS.

MISCELLANEOUS.

Patent Screw Gold Peacels.

Vases in Glass.

Vases in Glass.

Ruby Liquer Set, eight pieces.

Toilet Sets, very handsome.

Pocket Knives in great variety, by the libide to six blades.

Ladies' and Genis' Kid Gloves.

Cut Glass Decanters, piah and roby.

Ladies' Companions, fitted up complete.

Work Boxes.

Perfume Boxes.

Superb Silk Fans, in great variety.

Portmonnales, in veivet, wire and leather.

Silk Garters, of exquisite fancy.

Ladies' Travelling Bags.

Puff Boxes.

Glove Boxes.

Glore Bozes, Shaping Scissors, Set of 12 Table Knives and Forks, Sik Parasois and Umbrelius, Silver Mounted Walking Caues, Carvers and Forks, Meerschaum Pipes and Cigar Holders in ca-

Lava Flower Pots,
Maitee Vasee.
Leather and Basket Flasks.
Leather and Basket Flasks.
Fruit Scap.
Fruit Scap.
Fruit Scap.
And thousands of other articles tastefully displayed.
And thousands of other articles tastefully displayed.
The Winter tasteful Palace will be open from 8 A. M. to 9°
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The Winter tasteful Palace will be open from 8 A. M. to 9°
The Winter tasteful Palace will aways be in attendance oconduct parchasers to the various department.